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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/163,207 09/29/98 ADIFON L 4167-18

PM82/0703

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EXAMINER

MCALLISTER, S

ART UNIT

PAPER NUMBER

3652

9/10

DATE MAILED:

07/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/163,207

Applicant(s)
Adifon et al

Examiner
Steven B. McAllister

Group Art Unit
3652



☒ Responsive to communication(s) filed on May 11, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) 4, 5, 9, 11, 12, and 14-17 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 6-8, 10, 13, and 18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (JP 51-148093).

Takahashi shows all elements of the claim including a hoistway ceiling comprising the hatched surface at the top of the hoistway (see Fig. 1); the drive motor 5 being located adjacent to one of a top and bottom portion of a hoistway door, in this case above and adjacent a top portion of a topmost door (see Fig. 1). It also shows the drive motor below the hoistway ceiling. Although not clearly shown, the reference inherently discloses a plurality of hoistway doors since an elevator system requires a plurality of floors.

As to claim 3, it is noted that Takahashi discloses that the motor is adjacent to and across a hallway landing of the topmost hoistway door (see Fig. 1).

As to claim 6, it is noted that Takahashi discloses that the motor is enclosed relative to the adjacent hallway by a housing comprising the ceiling of the hallway and the walls and ceiling of the machine room at the top of the hoistway (see Fig. 1).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Sugiyama (JP 63-178277).

Takahashi discloses all elements of the claim except a movable panel protruding into the elevator hallway above the hoistway door. Sugiyama discloses a movable panel 7 protruding into a landing (Fig. 5). Although not disclosed as an elevator hallway, the movable panel of Sugiyama would inherently open into the elevator hallway, since this is the only hallway or landing disclosed

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in Takahashi. Given the position of the motor and the elevator door, the movable panel would inherently be located above the hoistway door. It would have been obvious to one of ordinary skill in the art to modify the housing of Takahashi by adding the movable panel of Sugiyama in order to facilitate easier and safer access to the motor for inspection and maintenance.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Moore.

Takahashi, as previously discussed, discloses a housing the motor, but does not disclose that the drive and controller are collocated with the motor in the housing. Moore shows the motor 19, controller 20, and drive 21 collocated. It would have been obvious to one of ordinary skill in the art modify the apparatus of Takahashi by housing the motor, drive and controller together as taught by Moore in order to facilitate maintenance.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Aulanko et al (5,490,578).

Takahashi discloses all elements of the claim except at least two sheaves on the bottom of the elevator car wherein a portion of the elongated connector underslings the car. Aulanko et al disclose two sheaves 4, 5 under the car and further discloses that the elongated connector 3 underslings the car. It would have been obvious to one of ordinary skill in the art to modify the elevator of Takahashi by using the roping configuration of Aulanko et al in order to ease the load on the motor.

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Response to Arguments

7. Applicant's arguments filed on 5/11/2000 have been fully considered but they are not persuasive.

Regarding claims 1-3,6-8, 10 and 13, applicant argues that the drive motor is not located adjacent the top portion of a hoistway door. However, it is noted that Fig. 1 Takahashi shows that the motor is located adjacent to the top of the door, especially when the scope of the elevator system as a whole is considered. Merriam Webster's Collegiate Dictionary, 10 Ed. gives a primary definition of "adjacent" as "not distant: nearby". The motor in this case is clearly nearby the top of the door. Applicant also argues that the motor is not below the hoistway ceiling. However, it is noted that Fig. 1 of Takahashi clearly shows that the motor is located below the hoistway ceiling, represented by the uppermost hatched horizontal feature in the figure.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.


Steven B. McAllister

June 30, 2000

 7/3/00
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600